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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

WESTERN ORGANIZATION OF
RESOURCE COUNCILS, *et al.*,

Plaintiffs,

v.

U.S. BUREAU OF LAND
MANAGEMENT,

Defendant, and

STATE OF WYOMING,

Intervenor Defendant.

Case No. 4:20-cv-00076-BMM-JTJ

**STIPULATION AND JOINT
PROPOSED CASE
MANAGEMENT PLAN**

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Counsel for Federal Defendant

The Parties by and through counsel submit the following Stipulation and Joint Proposed Case Management Plan, in support of which the Parties state as follows:

1. The Parties agree that this case is a civil action for declaratory and injunctive relief against Federal Defendant pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321–4370h, the Administrative Procedure Act (APA), 5 U.S.C. §§ 701–706, the Federal Vacancies Reform Act (FVRA), 5 U.S.C. §§ 3345–3348, and the Appointments Clause of the United States Constitution, U.S. Const. Art. II, § 2, cl. 2.
2. The Parties agree that this case will be resolved following the lodging of the administrative record, through briefing on the merits (i.e., cross motions for summary judgment), and without a trial.
3. Because this matter will be resolved following the lodging of the administrative record and the filing of cross-motions for summary judgment, Federal Defendant and Intervenor-Defendant Wyoming respectfully request that they not be required to file an Answer. Plaintiffs do not object to this request. If, however, an Answer is required, the Parties request that Answers be due 28 days following the Court’s entry of an Order setting forth the case management plan in this matter.

4. The Parties agree that, pursuant to Local Rule 16.2(a), and Federal Rule of Civil Procedure 26(a)(1)(B)(i), actions for review on an administrative record are exempt from preliminary pretrial conferences and related procedures, including preparation of preliminary pretrial statements and discovery plans, unless otherwise ordered by this Court.

WHEREFORE, the Parties respectfully request that this Court issue an Order approving the following litigation schedule for resolution of this case:

A. Federal Defendant will serve an administrative record on Plaintiffs' counsel and Intervenor Defendant's counsel on or before June 11, 2021. The administrative record will be submitted to the parties in electronic format in an indexed and searchable format to the extent feasible.

B. After Federal Defendant serves the administrative record on Plaintiffs' counsel and Intervenor Defendant's counsel, the Parties will endeavor to resolve any outstanding issues or disputes regarding the content of the administrative record. Plaintiffs and Intervenor Defendant agree to confer with Federal Defendant regarding any record disputes on or before August 6, 2021.

C. The Parties shall file any motions other than motions related to the administrative record or for summary judgment on or before August 6, 2021. This includes any motions to amend the pleadings.

D. Federal Defendant will certify and lodge an administrative record with the Court and serve that administrative record on Plaintiffs' counsel and Intervenor Defendant's counsel on or before August 27, 2021.

E. Plaintiffs will have until September 3, 2021 to file any motions objecting to the content of the administrative record or seeking to supplement the record.

Federal Defendant reserves the right to oppose any such motions. Such motions, if filed, will cancel the Parties' briefing schedule proposed below. The Parties agree to file a revised briefing schedule within 21 days of the Court's Order resolving any such motions.

F. If no motions related to the administrative record are filed, Plaintiffs will file their motion for summary judgment and memorandum in support, as well as any declarations in support of their standing, by October 1, 2021.

G. Federal Defendant will file its combined response to Plaintiffs' motion and cross-motion for summary judgment by November 12, 2021.

H. Intervenor Defendant will file its combined responses to Plaintiffs' motion and cross-motion for summary judgment by November 19, 2021.

I. Plaintiffs will file their combined reply in support of summary judgment and response to Federal Defendant's and Intervenor Defendant's cross-motions for summary judgment by December 17, 2021.

J. Federal Defendant will file its reply in support of summary judgment by January 14, 2021.

K. Intervenor Defendant will file its reply in support of summary judgment by January 21, 2021.

DATED: April 13, 2021

Respectfully submitted,

JEAN E. WILLIAMS,
Deputy Assistant Attorney General
Environment & Natural Resources Division

/s/ Arwyn Carroll

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Attorney for the State of Wyoming

CERTIFICATE OF SERVICE

I certify that on April 13, 2021, a copy of the foregoing was served on all counsel of record via the Court's CM/ECF system.

/s/ Arwyn Carroll

ARWYN CARROLL

U.S. Department of Justice